

SCHEDULE 2

Variable monetary penalties etc.

CHAPTER 1

Variable Monetary Penalties

Appeals against variable monetary penalties

7.—(1) A person on whom a variable monetary penalty is imposed may appeal against the decision as to the imposition or amount of the penalty.

(2) An appeal under this paragraph may be made on one or more of the following grounds:—

- (a) the decision was based on an error of fact;
- (b) the decision was wrong in law;
- (c) the amount of the penalty is unreasonable;
- (d) the decision was unreasonable for any other reason; or
- (e) any other reason.

(3) The grounds on which a person may appeal under this paragraph do not include the ground that SEPA failed to comply with guidance issued to it by the Lord Advocate under section 31(1) of the Act.

(4) An appeal under this paragraph must be made within the period of 28 days beginning with the day on which the final notice under paragraph 6(1) is served.

(5) Where an appeal is made under this paragraph, the variable monetary penalty is suspended from the day on which the appeal is made until the day on which the appeal is determined or withdrawn.